

REMARKS

By the above actions, claims 1, 9, 11 and 16 have been amended, and allowed independent claim 10 remains unchanged. In view of these actions and the following remarks, reconsideration of this application is now requested.

The undersigned wishes to thank the Examiner for the courteous and open-minded consideration of the points noted at a personal interview conducted on August 24, 2005, the substance of which are set forth below. While no formal agreements were reached, as reflected on the Interview Summary, subject to further review by the Examiner, the proposed changes should overcome the outstanding rejections.

Claims 9 & 16 have been rejected by the Examiner under 35 USC § 102 as being anticipated by the Losey et al. patent while claims 1-8 and 11-15 were rejected under § 103 as being unpatentable over this reference when viewed in combination with the Hughes et al. patent. However, to the extent these rejections may relate to the claims as now presented, they should be withdrawn for the following reasons.

As pointed out to the Examiner, , as is readily apparent from Figs. 1 and 3 of the present application, the monitoring area in accordance with the present invention is "aimed away from the path of the movable part." This or similar language has been added to independent claims 1, 9, 11 and 16 based on the discussions with the Examiner in order to make it clear that the present invention goes beyond the prior art concept of simply monitoring the path of movement of the movable part "by suing an optical or capacitive sensor aimed at the region where the window meets the window frame" as described at column 8, lines 35-38 of the Losey et al. patent. As also indicated to the Examiner, this difference is significant it not only allows applicants' invention being able to *also* be used as a vehicle parking assistant as indicated in allowed claim 10, but provides the ability to detect a potential obstruction before it moves into harms way, as contrasted with that of the Losey et al. patent, which requires

a complicated algorithm to determine whether the window is "too close" and requires an alternative control mode for operating the window.

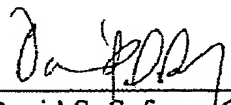
This difference also relates to the subject matter of claims 9 & 16 with respect to the fact that the "control means is operative for terminating said one of turning off and reversing the drive to be terminated and for enabling one of re-actuation and continued displacement of the movable part when the perturbing object is determined to have left the monitoring area." That is, as noted to the Examiner at the interview, with the monitoring area being aimed away from the path of motion of the movable part, it is possible that a detected part never actually enters the path of motion, so that enabling re-actuation or continued displacement takes on additional significance. Thus, as indicated in claim 9, the "checking step continues to be performed after detection of a perturbing object within the monitoring area." I mentioned to the Examiner, no continued checking occurs after sensing of an object in accordance with the Losey et al. patent no is there any reason for such to occur since, because Losey et al. are looking at the area between the window and window frame within the path of movement, the potential for a false alarm, as exists when monitoring an area aimed away from the path of movement, does not need to be considered by their system.

As for the patent to Hughes et al., as was pointed out to the Examiner, this patent adds nothing to the disclosure of Losey et al. because, as quoted above, they already teach use of a capacitive monitoring system. Thus, if one of ordinary skill were to use a capacitive monitoring system with a movable motor vehicle part system as disclosed by Losey et al., they would certainly do so in accordance with the teachings of the Losey et al. patent and not in the manner used for the table saw of the Hughes et al. patent, which does not aim at a path of movement of the saw blade but rather simple creates an "envelope" field about the saw blade. It is also pointed out that Sauer, et al. 4,453,112, which is incorporated by reference into the Hughes et al. patent, discloses application of a capacitive sensor to the leading edge of an automobile window and creates a similar envelope field, but being on the leading edge, is aimed in the manner taught by Losey et al., but without their control algorithm.

Accordingly, in the absence of new and more relevant prior art being discovered, the outstanding rejections should be withdrawn, and this application approved for issuance as a patent.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



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